

UNITED STATES DISTRICT COURT
SOUTERN DISTRICT OF NEW YORK

JOSE PAGAN, LUIS MERCADO AND
ANTHONY TAYLOR, individually and on
the behalf of others similarly situated,

Plaintiffs,

v.

BUG RUNNER EXTERMINATING CO
AND DOUG SIEGEL,

Defendant(s)

CIVIL ACTION NO. 1:17-Civ-06777

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 *et seq.*, defendants Bug Runner Exterminating Co and Doug Siegel (collectively “Bug Runner”), by and through their attorneys, Bertone Piccini LLP, hereby provides notice of removal of this civil action from the Supreme Court of the State of New York, County of Rockland, Index No.: 33790/2017, to the United States District Court for the Southern District of New York. In support thereof, defendant Bug Runner avers as follows:

1. Plaintiffs filed a Complaint against the named defendants on or about August 3, 2017 in the Supreme Court of the State of New York, County of Rockland. A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

2. Defendants were served with a copy of the Complaint on or about August 10, 2017 and file this Notice of Removal within thirty (30) days following service of the Complaint, thereby invoking the jurisdiction of this honorable Court. See 28 U.S.C. § 1446(b).

DIVERSITY OF CITIZENSHIP

3. Upon information and belief, the plaintiffs are residents of the State of New York.

4. Defendant Bug Runner Exterminating Co is located in the town of Spring Valley, State of New York.

5. Defendant Doug Siegel resides in the State of New Jersey.

6. Although the Complaint is silent on the amount of relief it seeks, the Court should find, by a preponderance of the evidence pursuant to 28 U.S.C. § 1446(c)(2)(B), that plaintiffs seek an amount far greater than the sum or value of \$75,000.00. See Exhibit "B."

7. In Exhibit "B," plaintiffs seek the collective amount of \$263,192.76.

8. This action is properly and timely removed pursuant to 28 U.S.C. § 1441(a) and in accordance with the requirements of 28 U.S.C. § 1446.

9. This Notice of Removal is filed within thirty (30) days following service of the Complaint, thereby invoking the jurisdiction of this honorable Court. See 28 U.S.C. § 1446(b).

10. Defendants expressly reserve and preserve, and do not waive or limit, the right to file any and all motions to dismiss this civil action.

11. Pursuant to 28 U.S.C. § 1446(d), defendants provide notice of the removal of this matter to the Supreme Court of the State of New York, County of Rockland, and to all parties.

WHEREFORE, defendants respectfully request that this action, presently pending in the Supreme Court of the State of New York, County of Rockland, be removed to the United States District Court for the Southern District of New York.

Respectfully submitted,

BERTONE PICCINI LLP
Attorneys for defendant Bug Runner

BY: 

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal was served upon counsel of record, on September 6, 2017, via ECF, email and U.S. mail:

D. Christopher Mason, Esq.
Mason Law, PLLC
575 Lexington Avenue
4th Floor – Suite 4076
New York, NY 10022

DATED: September 6, 2017



MARC W. GARBAR